

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA**

KYLIE AMISON,)	
)	
)	
<i>Plaintiff,</i>)	
)	
)	
v.)	Civil Action No.: 1:22-cv-00731
)	
RECTOR AND VISITORS OF GEORGE)	
MASON UNIVERSITY, <i>et al.</i>)	
)	
)	
<i>Defendants.</i>)	

SOCRATES DIMITRIADIS NOTICE OF APPEAL PURSUANT TO COLLATERAL ORDER DOCTRINE

Pursuant to the collateral order doctrine, Defendant, Professor Socrates Dimitriadis, appeals to the United States Court of Appeals for the Fourth Circuit from the order denying his motion to dismiss entered on March 28, 2023. Dkt. 36.

The March 28 Order denied Professor Dimitriadis's claim of sovereign and Eleventh Amendment immunity as to the official capacity claims made against him and claim of qualified immunity as to the individual capacity claims made against him. The denial of sovereign and Eleventh Amendment immunity and the denial of qualified immunity are both immediately appealable under the collateral order doctrine.¹ See *P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 147 (1993) ("States and state entities that claim to be 'arms of the State'

¹ George Mason University ("Mason") has separately filed a notice of appeal of the district court's denial of its sovereign and Eleventh Amendment immunity under the collateral order doctrine. Dkt. 24. Mason and Professor Dimitriadis intend to file a motion to consolidate their appeals.

may take advantage of the collateral order doctrine to appeal a district court order denying a claim of Eleventh Amendment Immunity.”); *Pense v. Md. Dep’t of Pub. Safety & Corr. Servs.* 926 F.3d 97, 100 (4th Cir. 2019) (“It is firmly established that we possess jurisdiction for this interlocutory review of the Immunity Decision pursuant to the collateral order doctrine.”); *Rogers v. Pendleton*, 249 F.3d 279, 285 (4th Cir. 2001) (“A district court’s denial of qualified immunity is immediately appealable under the collateral order doctrine, because qualified immunity confers immunity from suit and not merely from liability.”).

April 5, 2023

RESPECTFULLY SUBMITTED,

_____/s/_____

Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number 92987
George Mason University
4400 University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu

Attorney for Professor Socrates Dimitriadi

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2023, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record in this case.

_____/s/_____

Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number
92987George Mason
University 4400
University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu